

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

| | | |
|-------------------------------|---|-----------|
| DERRICK M. ALLEN, SR., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | 1:21CV110 |
| |) | |
| SHERIFF CLERANCE F. BIRKHEAD, |) | |
| et al., |) | |
| |) | |
| Defendants. |) | |

ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on August 9, 2021, was served on the parties in this action. (Docs. 4, 5.) Plaintiff objected to the Recommendation. (Doc. 6.)

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objections were made and has made a de novo determination in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that this action is DISMISSED WITHOUT PREJUDICE to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects of the present Complaint.

A Judgment dismissing this action will be entered contemporaneously with this Order.

/s/ Thomas D. Schroeder
United States District Judge

August 18, 2021